

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

Rejections under 35 U.S.C. §103(a):

Claims 20-22 and 27-37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant Admitted Prior Art in view of Dark (US 6,205,097). Claim 27 has been cancelled and incorporated into claim 20. This rejection is respectfully traversed and submitted to be inapplicable to the above claims for the following reasons.

Claim 20 recites a reproduction apparatus including, in part, a reading section and a capacity-lowering section, wherein the capacity lowering section outputs a part of the first audio information having the lowered capacity and a different part of the first audio information not having the lowered capacity, such that a capacity-lowering ratio, at a boundary between the part of the first audio information having the lowered capacity and the different part of the first audio information not having the lowered capacity, gradually changes. The combination of Applicant Admitted Prior Art and Dark fails to disclose or suggest the features of claim 20 discussed above.

It was noted by the examiner on pages 3 and 4 of the Office Action that Applicant Admitted Prior Art fails to disclose the above features as recited in amended claim 20. As a result, claim 20 is patentable over Applicant Admitted Prior Art. Dark also fails to disclose or suggest the features of claim 20 discussed above.

Dark discloses a method of data compression for a CD player. The method modifies a data sampling rate to a compressed data sampling rate if a skip is detected. (See col. 1, lines 57-60.) According to Figure 2, data is stored at a predetermined compressed rate into the buffer memory 38 to enhance the amount of data stored in the buffer memory 38 over a period of time. (See col. 3, line 58-61.) Using this method, a three second buffer memory 38 could be increased to six seconds. The rate's ratio is selected such that the slightly degraded audio signal is virtually imperceptible to the listener. (See col. 4, lines 8-13.) Thus, Dark discloses using a single predetermined ratio to increase the amount of data the buffer memory 38 can hold. However, Dark does not disclose or suggest gradually adjusting the ratio at a boundary between reduced

and normal capacity audio. Therefore, Dark does not disclose or suggest that the capacity lowering section outputs a part of the first audio information having the lowered capacity and a different part of the first audio information not having the lowered capacity, such that a capacity-lowering ratio, at a boundary between the part of the first audio information having the lowered capacity and the different part of the first audio information not having the lowered capacity, gradually changes, as recited in claim 20. As a result, claim 20 is patentable over the combination of Applicant Admitted Prior Art and Dark.

Claim 35 and 37 are patentable over the combination of Applicant Admitted Prior Art and Dark for the same reasons as those discussed above with regard to independent claim 20. Specifically, claims 35 and 37 both recite that the capacity lowering section outputs a part of the first audio information having the lowered capacity and a different part of the first audio information not having the lowered capacity, such that a capacity-lowering ratio, at a boundary between the part of the first audio information having the lowered capacity and the different part of the first audio information not having the lowered capacity, gradually changes. Therefore, claims 35 and 37 are patentable over the combination of Applicant Admitted Prior Art and Dark.

Claim 36 is patentable over the combination of Applicant Admitted Prior Art and Dark for reasons similar to those discussed above with regard to independent claim 20. Specifically, claims 36 recites outputting a part of the first audio information having the lowered capacity and a different part of the first audio information not having the lowered capacity, such that a capacity-lowering ratio, at a boundary between the part of the first audio information having the lowered capacity and the different part of the first audio information not having the lowered capacity, gradually changes. Therefore, claim 36 is patentable over the combination of Applicant Admitted Prior Art and Dark.

Claims 21-22 and 27-34 are either directly or indirectly dependent on independent claim 20. Therefore, claims 20-22 and 27-37 are allowable over the combination of Applicant Admitted Prior Art and Dark.

Claim 23 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant Admitted Prior Art in view of Dark (US 6,205,097) and further in view of Ohga (US 5,345,433). This rejection is respectfully traversed and submitted to be inapplicable to the above claims for the following reasons.

Claim 23 is dependent on independent claim 20, discussed in detail above.

Ohga is relied upon in the rejection as disclosing that audio PCM data having a sampling frequency of 44.1 kHz, 16 quantization bits, is recorded. After bit compression, the sampling frequency of the audio PCM data is converted to 37.8 kHz, while the number of quantization bits is reduced to 4. However, it is apparent that Ohga fails to disclose or suggest the features lacking from Applicant Admitted Prior Art and Dark discussed above with regard to independent claim 20. Accordingly, no obvious combination of Applicant Admitted Prior Art, Dark, and Ohga would result in, or otherwise render obvious under 35 U.S.C. §103(a), the features recited in claims 20 and 23. As a result, claims 20 and 23 are patentable over the combination of Applicant Admitted Prior Art, Dark, and Ohga.

Claims 24-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant Admitted Prior Art in view of Dark (US 6,205,097) and further in view of Tsuji (US 6,324,188). This rejection is respectfully traversed and submitted to be inapplicable to the above claims for the following reasons.

Claims 24-26 are dependent on independent claim 20, discussed in detail above.

Tsuji is relied upon in the rejection as disclosing an eliminating unit for eliminating the frame of a silence signal, from the frames of encoded voice signals, whereby data to be transmitted is generated in the eliminated period of time to enhance the transmission efficiency. However, it is apparent that Tsuji fails to disclose or suggest the features lacking from Applicant Admitted Prior Art and Dark discussed above with regard to independent claim 20. Accordingly, no obvious combination of Applicant Admitted Prior Art, Dark, and Tsuji would result in, or otherwise render obvious under 35 U.S.C. §103(a), the features recited in claims 20 and 24-26. As a result, claims 20 and 24-26 are patentable over the combination of Applicant Admitted Prior Art, Dark, and Tsuji.

Because of the above-mentioned distinctions, it is believed clear that claims 20-26 and 28-37 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of the invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in 20-26 and 28-37. Therefore, it is submitted that claims 20-26 and 28-37 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Nobukazu KURAUCHI

/Allen N. Doyel/

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Allen N. Doyel

Registration No. 60,391

Agent for Applicant

AND/JRF/ekb
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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